

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRIAN MCKEEVER,

Plaintiff,

ORDER

-against-

17-cv-6355 (NG)

**NASSAU HEALTH CARE
CORPORATION D/B/A NASSAU
UNIVERSITY MEDICAL CENTER, JOHN
ACQUAVELLA, individually, MICHAEL
FERRANDINO, individually, BRUCE
LAPLANTE, individually, PHILIP LENT,
individually, VICTOR POLITI,
individually, and MAUREEN ROARTY,
individually,**

Defendants.

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GERSHON, United States District Judge:

On January 21, 2020, I issued an Opinion and Order granting in part, and denying in part, defendants' motions to dismiss the Amended Complaint in this action. In that order, I considered defendants' motion pursuant to Federal Rule of Civil Procedure 12(b)(5) to dismiss Victor Politi as a defendant based on plaintiff's failure to serve and file proof of timely, effective service of the summons and complaint on defendant Politi as required by Rules 4(l) and 4(m). I ordered plaintiff to file proof of timely and effective service on the docket by January 31, 2020, or defendant Politi would be dismissed as a defendant pursuant to Rule 12(b)(5).

On January 30, 2020, plaintiff filed an Affidavit of Service indicating that Mr. Politi was served with process on January 27, 2020—nearly fifteen months after the Amended Complaint was filed and nearly ten months after plaintiff was ordered to effect service following a request for

an extension of time to do so. Such service, especially absent a showing of good cause, is clearly not timely.

In accordance with my Opinion and Order dated January 21, 2020, Victor Politi is dismissed as a defendant in this action.

SO ORDERED.



NINA GERSHON
United States District Judge

January 30, 2020
Brooklyn, New York